

1
2 IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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4 EVELYN L. MCKINLEY,)
5 Plaintiff,)
6 vs.) Civil Action
7 HONORABLE LES BROWNLEE,) No. 04-222 E
8 ACTING SECRETARY OF THE)
9 ARMY,)
Defendant.)

 ORIGINAL

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13 ARNOLD D. FAIRBANKS, a witness herein,
14 called on behalf of the Plaintiff for
15 examination, taken pursuant to the Federal
16 Rules of Civil Procedure, by and before Denise
17 E. Grumski, Registered Professional Reporter
18 and Notary Public in and for the Commonwealth
19 of Pennsylvania, at 99th RSC ECS #103(G), 6467
20 Mike Wood Boulevard, Conneaut Lake,
21 Pennsylvania, on Friday, September 9, 2005 at
22 9:04 a.m.

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24
25
 PLAINTIFF'S
EXHIBIT
3

1 A. Fairbanks - by Mr. Sanders

2 A. Yes.

3 Q. Does this talk about 6, May '03?

4 A. Yes.

5 Q. And do you recall that Flo Kinch typed
6 this document?

7 A. No, she didn't.

8 Q. Did you type it?

9 A. No, I didn't.

10 Q. Did you ever see a person typing this
11 document?

12 A. No, I didn't.

13 Q. Who gave you this document to sign;
14 Flo?

15 A. No.

16 Q. Did this come from Ft. McCoy for you to
17 sign?

18 A. Yes, it did.

19 Q. How do you know that? Can you tell by
20 looking at the document that it came from
21 McCoy?

22 A. No, I can't.

23 Q. In fact, it's entitled Conneaut; isn't
24 it?

25 A. Yes, it is.

1 A. Fairbanks - by Mr. Sanders

2 Q. Works under general supervision of the
3 ECS manager and maintenance supervisor. Does
4 it say that?

5 A. Yes.

6 Q. Have you ever been the ECS manager
7 here?

8 A. I am the ECS manager here.

9 Q. And that has been the same since
10 November of '02?

11 A. Yes.

12 Q. Have you ever been the maintenance
13 supervisor?

14 A. No.

15 Q. Who is the current maintenance
16 supervisor?

17 A. Junior maintenance supervisor is Jimmie
18 Keener.

19 Q. Is that a junior?

20 A. Yes.

21 Q. Who is the senior maintenance
22 supervisor?

23 A. Ed Stone.

24 Q. Have they held those exact positions
25 since you started here?

1 A. Fairbanks - by Mr. Sanders

2 A. No.

3 Q. Who was the maintenance supervisor when
4 you started here in November of '02?

5 A. Jimmie Keener.

6 Q. Who was the junior?

7 A. There wasn't one.

8 Q. When did Stone get involved in the
9 maintenance supervisor work? What year?

10 A. I believe it was '05.

11 Q. Now, who currently is acting as a
12 maintenance administrative clerk here at ECS
13 103?

14 A. No one.

15 Q. Who is currently doing the work that
16 Smith used to do when she was here as a
17 maintenance administrative clerk?

18 A. Several people.

19 Q. And their names?

20 A. Flo Kinch.

21 Q. Well, she can't be doing it now; right?
22 You told me she left two days ago?

23 A. Okay.

24 Q. Who is doing it as of today?

25 A. Jimmie Keener, Larry Flynn, Arnie

1 A. Fairbanks - by Mr. Kovac

2 A. No.

3 Q. Are there any physical limitations with
4 that type of job?

5 A. I'm sure there are. Again, they would
6 be listed in the announcements.

7 Q. So the exact job duties for a certain
8 position are listed, where, in the actual
9 announcements, or is there a certain manual
10 with the Army where the exact job duties are
11 listed?

12 A. The job description that they have to
13 prequalify for are listed on the vacancy that
14 when they fill out an application or a request
15 for --

16 Q. Now, showing you Exhibit 6, the notice
17 of proposed removal with your signature on the
18 third page, I believe you testified that Ft.
19 McCoy prepared the actual document for you; is
20 that correct?

21 A. Yes.

22 Q. Why is that?

23 A. They're our personnel support.

24 Q. In the course of your career, have you
25 had other opportunities to issue these type of

1 A. Fairbanks - by Mr. Sanders
2 documents?

3 A. Unfortunately.

4 Q. And have you ever personally prepared
5 those?

6 A. No.

7 Q. Again, why is that?

8 A. It's Ft. McCoy's function.

9 Q. Do you have any reason to dispute the
10 things said in that document?

11 A. None.

12 Q. If you wanted to, could you draft
13 yourself a notice of proposed removal and issue
14 it, or is that solely a function of Ft. McCoy?

15 A. That's a Ft. McCoy function.

16 MR. KOVAC: I have nothing
17 further.

18 -----

19 EXAMINATION

20 -----

21 BY MR. SANDERS:

22 Q. When was the last time that you saw a
23 supply tech vacancy announcement, what year,
24 for this location, for this site?

25 A. I probably reviewed one in 2005.